IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Civil Writ Petition No. 249 of 2006 (M/B)

Krishna Pad Bairagi
S/o Sri Mahadev Bairagi
R/o Village Shaktifarm No. 2
(Guru Gram)
Tehsil Sitarganj
District Udham Singh Nagar … Petitioner

Versus

1. District Magistrate/Collector, Udham Singh Nagar
2. Tehsildar Sitarganj
   District Udham Singh Nagar
3. The Bank of Baroda
   Branch Shisona
   Through its Branch Manager
   Tehsil Sitarganj
   District Udham Singh Nagar ...Respondents

Sri S.K. Mandal learned counsel for the petitioner.

Hon'ble P.C. Verma, J.
Hon'ble B.C.Kandpal, J.

By the present writ petition, the petitioner has prayed for the issue of a writ, order or direction in the nature of certiorari quashing the recovery citation dated 07.02.2006 issued by the respondent No. 2 – Tehsildar Sitarganj, District Udham Singh Nagar.

2. Brief facts of the case are that the business loan for Rs. 72,000/- (Rupees Seventy Two Thousand) on 10.09.2001 running the General Store Shop was taken by the petitioner from the Bank of Baroda, Branch Shisona, District Udham Singh Nagar. According to his case certain installments were paid to the extent of Rs. 51,090/- to the respondent No. 3 However, he could not deposit the rest of the amount and as such the recovery citation was issued by the Tehsildar on 07.02.2006 for the recovery of Rs. 61,344/- along with interest.

3. The petitioner has submitted that due to financial problem, he could not deposit the entire amount as directed by this Court earlier.

4. So far as the amount due against the petitioner is concerned, the petitioner is not challenging the same. The petitioner has prayed that he being a small shopkeeper, if the amount is realized by him through easy instalments, it will serve the purpose of the Bank and will also give relief to the petitioner who is a small shopkeeper.

5. In our opinion, if the petitioner pays the amount in four equal quarterly instalments, the interest of the Bank shall be fully protected.

6. The entire outstanding loan amount, therefore, shall be recovered in four equal instalments. The first instalment will be paid in the instant month, thereafter rest of the amount shall be deposited in three equal quarterly instalments. The amount of interest will be paid in the last instalment along with recovery charges.

7. In view of the above observations, the writ petition is disposed of accordingly.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

10.03.2006
ASWAL